

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MAZY SEHRGOSHA,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 18cv230-RGA
	:	
KINDRED HEALTHCARE, INC., et al.,	:	
	:	
Defendants.	:	

ORDER

Upon preliminary review of the motion for attorney fees (D.I. 26), the Court requests the following:

1. The parties assume that the non-Delaware lawyers should be paid at New York rates.
Is there any reason I should not apply the forum rule and use Delaware rates?
2. Plaintiff's attorneys are directed to submit evidence of Delaware rates, and to revise their requests in light of the evidence about Delaware rates.
3. The parties are requested to advise what percentage of the vote on the merger was in favor of the merger.
4. There is a dispute about how risky filing a lawsuit of this type is. My impression is that in 100% of the cases that have been assigned to me, the Defendant corporation make additional disclosures, thereby mooting the case. Since January 30, 2016, there have been 227 cases in this Court describing the nature of the suit as code 850 (Securities/Commodities), the overwhelming bulk of which cite the cause of action as

15 U.S.C. § 78, most of which are exactly analogous to the instant case.¹ There have been an additional 48 cases using the code 160 (Stockholders Suits), some of which are also exactly analogous to the instant case. The parties are requested to advise whether any of the analogous cases have been unsuccessful in achieving additional disclosures, and, if so, to identify them. If either side wants to do a more thorough analysis and submit it, I would find that helpful.

5. The parties' responses to this Order are due in two weeks.

IT IS SO ORDERED this 5 day of September 2018.


United States District Judge

¹By way of contrast, in the equal time period predating the *Trulia* decision, that is, from January 30, 2013 to September 5, 2015, there were eleven cases filed using the code 850, and eight using the code 160.